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**MAR 26 2003**

**OFFICE OF PETITIONS**

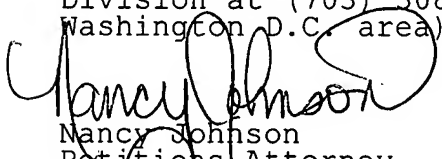
In re Application of :  
Geordie Rose, Mohammad Amin, :  
Timothy Duty, Alexandre Zagoskin, : LETTER  
Alexander Omelyanchouk and :  
Jeremy Hilton :  
Application No. 10/032,157 :  
Filed: December 21, 2001 :  
Title: PHASE SHIFT DEVICE IN :  
SUPERCONDUCTOR LOGIC :

Dear Mr. Duty:

You are named as a joint inventor in the above-identified United States patent application filed under the provisions of 35 U.S.C. 116 (United States Code) and 37 CFR 1.47(a), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as a joint inventor.

As a named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Telephone inquiries regarding this communication should be directed to Petitions Attorney Nancy Johnson at (703) 305-0309. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to the Certification Division at (703) 308-9726 or 1-800-972-6382 (outside the Washington D.C. area).

  
Nancy Johnson  
Petitions Attorney  
Office of Petitions

Gary S. Williams  
Pennie & Edmonds LLP  
3300 Hillview Avenue  
Palo Alto CA 94304



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
Washington, D.C. 20231  
www.uspto.gov

Paper No. 8

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DECISION ACCORDING STATUS  
UNDER 37 CFR § 1.47(a)

This is a decision on the petition under 37 CFR § 1.47, filed September 26, 2002.

The petition is **GRANTED**.

The above-identified application was filed on December 21, 2001, with an unexecuted declaration, missing the basic statutory filing fee and with additional claim fees due. Geordie Rose, Mohammad Amin, Timothy Duty, Alexandre Zagoskin, Alexander Omelyanchouk and Jeremy Hilton were named as joint inventors. Accordingly, on March 26, 2002, applicants were mailed a "Notice to File Missing Parts of Nonprovisional Application," requiring the missing items, included an executed oath or declaration and a surcharge for its late filing. This Notice set a period for reply of two months from the mailing date of the notice, with extensions of time obtainable under § 1.136(a).

On September 26, 2002, applicants responded with two declarations executed in combination by joint inventors Rose, Amin, Zagoskin, Omelyanchouk and Hilton on behalf of themselves and on behalf of non-signing inventor Duty; the late surcharge under § 1.16(l); the missing filing fees; and the instant petition (and petition fee). This reply was made timely by an accompanying petition and fee for an extension of time for response within the fourth month.

Rule 47 applicants maintain that status under 37 CFR 1.47 is proper because joint inventor Duty refuses to join in the application for patent. A grantable petition under 37 CFR 1.47(a) requires: (1) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings); (2) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116; (3) the petition fee; and (4) a statement of the last known address of the non-signing inventor.

By declaration of facts of patent attorney Gary S. Williams and intellectual property officer Miles F.H. Steininger and supporting documentary evidence, petitioner has shown that inventor Duty has refused to join in the application after having been presented with the application papers. Mr. Williams specifically attests to all of the application papers having been presented to inventor Duty. Mr. Steininger details his attempts to have inventor Duty sign the declaration and describes his refusal. Copies of e-mail communications reflecting the refusal were made a part of Mr. Steininger's declaration.

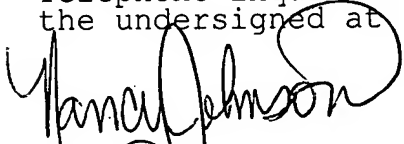
The declarations filed September 26, 2002, and the petition have been reviewed and found in compliance with 37 CFR 1.47(a).

This application is hereby accorded Rule 1.47(a) status.

As provided in new Rule 1.47(c), this Office will forward notice of this application's filing to the non-signing inventor at the address given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

The application file is being forwarded to Technology Center 2812 for examination in due course.

Telephone inquiries regarding this decision should be directed to the undersigned at (703) 305-0309.

  
Nancy Johnson  
Petitions Attorney  
Office of Petitions